



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert E. Corbin

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ARIZONA ATTORNEY GENERAL

September 28, 1984

Ms. Donna J. Grimsley  
Deputy Apache County Attorney  
P.O. Box 637  
St. Johns, Arizona 85936

Re: I84-133 (R84-161)

Dear Ms. Grimsley:

Pursuant to A.R.S. § 15-253.B, we concur with the opinion expressed in your August 24, 1984, letter to Peter M. Belletto, Assistant Superintendent for the Ganado Unified School District, No. 20, in which you conclude that the Arizona Open Meeting Law does not require that the local school board allow public participation at its meetings and that use of the Navajo language would be prohibited if its use prevents the public from understanding the business that is conducted at the meeting.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob Corbin".

BOB CORBIN  
Attorney General

BC:TLM:mch

OFFICE OF  
APACHE COUNTY ATTORNEY

STEPHEN G. UDALL  
COUNTY ATTORNEY

P. O. BOX 637  
ST. JOHNS, ARIZONA 85936

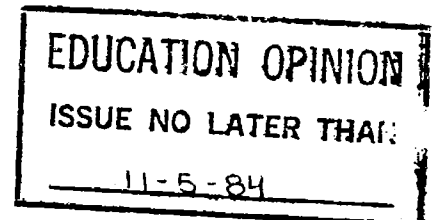
TELEPHONE (602) 337-4364  
EXTENSION 241

RUSSELL H. BURDICK, JR.  
CHIEF DEPUTY

August 24, 1984

R84- 161

Peter M. Belletto  
Assistant Superintendent  
Ganado Unified School Dist., No. 20  
Ganado, AZ 86505



Dear Mr. Belletto:

I am writing in regard to your request for information about school board meeting procedures. Your first question concerned the Boards responsibility in permitting public input at meetings. A review of the open meeting law indicates that the Board is not required by the specific terms of the open meeting law to allow members of the public to express their concerns at a meeting. The Attorney General has agreed with this conclusion in Attorney Generals' Opinion I78-001. Basically, the public does not have the right, except in some specific instances, to address the board and speak at public meetings. However, as a matter of policy the board is often in a much better position when it listens to the public and lets concerns be aired as long as order can be maintained.

Your second question was whether or not the use of the Navajo language in a public board meeting is a violation of the open meeting law. The open meeting law does not per se prohibit the use of Navajo in public meetings, nor does it require the use of English. However, the purpose of the open meeting law is to make sure that the public is informed about the actions of the board. It would seem that even though the letter of the open meeting law may not be violated by the use of the Navajo language, certainly the spirit would be violated if the public is unable to understand the language that the Board is using.

The premise of the open meeting law is indicated in A.R.S. § 38-431.01(A).

"All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings."

Also, A.R.S. 38-431.07 provides penalties for intentional violation of the open meeting law. This would seem to indicate that if the Board uses Navajo with the specific intent to exclude public understanding of the



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BOB CORBIN  
Attorney General

BC:TLM:mch

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STEPHEN G. UDALL  
COUNTY ATTORNEY

RUSSELL H. BURDICK, JR.  
CHIEF DEPUTY

OFFICE OF  
APACHE COUNTY ATTORNEY

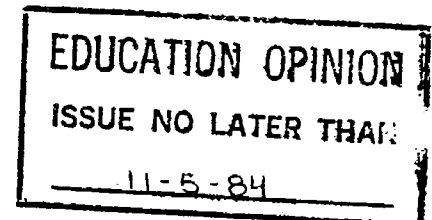
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August 24, 1984

R84- 161

Peter M. Belletto  
Assistant Superintendent  
Ganado Unified School Dist., No. 20  
Ganado, AZ 86505



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Also, A.R.S. 38-431.07 provides penalties for intentional violation of the open meeting law. This would seem to indicate that if the Board uses Navajo with the specific intent to exclude public understanding of the

Peter M. Belletto  
August 24, 1984  
Page 2

business conducted at the meeting, the open meeting law would be violated. The open meeting law also provides that accurate minutes be kept and open to public inspections. If the person taking the minutes is unable to understand the Navajo language, these provisions, contained in A.R.S. § 38-431.01 concerning minutes would certainly be violated.

In conclusion, the school board is not required by law to let the public address it in every instance. This is a matter of policy. Secondly, the open meeting law does not per se prohibit the use of the Navajo Language unless it in some way excludes the public from understanding the business that is conducted at the meeting, either by preventing understanding at the meeting itself or by making it impossible for accurate minutes to be kept. If you have any further questions, please feel free to contact me. This opinion is being forwarded to the Attorney General for his review.

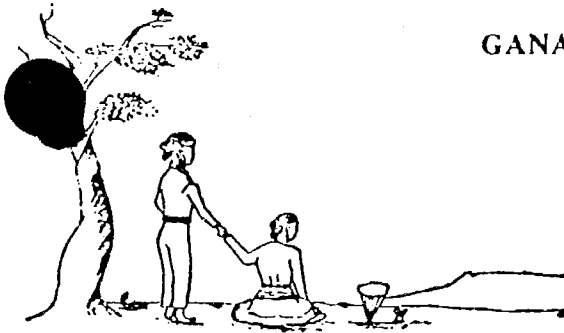
Sincerely,

STEPHEN G. UDALL  
Apache County Attorney

BY: *Donna J. Grimsley*  
DONNA J. GRIMSLEY  
Deputy County Attorney

DJG:mc  
c: Attorney General

GANADO UNIFIED SCHOOL DISTRICT NO. 20  
GANADO, ARIZONA  
86505



RECEIVED MAY 29 1984

May 24, 1984

Ms. Donna Grimsley  
Associate County Attorney  
APACHE COUNTY  
P. O. Box 637  
St. Johns, AZ 85936

Dear Ms. Grimsley:

I am writing to you regarding legal advice concerning public input at our school board meetings.

Please provide me with statute requirements as such pertains to public input. In addition, I need to know what is the board's responsibility when a concern is expressed? What action are they legally required to take?

The second concern pertains to the use of Navajo in public meetings. As I understand the statute for this area, a language "common to all" must be used in public meetings and/or literal interpretation must be provided immediately following the verbal statement. Again, your advice, counsel and reference to this statute is requested.

It is my intention to protect the administration and governing board from adverse legal action. If possible, please provide me with this information by June 08, 1984 prior to our June Board meeting.

Sincerely,

*Peter M. Belletto*

Peter M. Belletto  
Assistant Superintendent

PMB/rt

cc: Mr. Albert A. Yazzie  
Mr. Tom Jennings

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